IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SECOND DAY OF MARCH
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.12534 of 2002

Between:

V. Venkatesara Sastry, S/o Subramanya Sastry, 49 years,

Telugu Pundit Grade II, R/o Nandigama, Krishna District.

...PETITIONER

AND

1. The District Educational Officer, Krishna District, Machilipatnam.
2. Don Bosco (Boys) High School, rep.by its Correspondent, Nandigama, Krishna District.
3. Government of A.P., rep.by its Secretary, Education (SER-IV.1), Secretariat Buildings, Hyderabad.

(R3 is impleaded as per Court order in W.P.M.P.No.24240 of 2002 dated 17.12.2002)

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly a writ of Mandamus, directing the respondents to implement the Proceedings issued by the Government of A.P., in Memo.No.9512/ Ser.VI-1/2002 dated 13-3-02 and the consequential directions given by the Commissioner & Director of School Education, A.P., Hyderabad, through his Proceedings Rc.No.1861/D3-4/2002 dated 29.05.2002 and 17.06.2002 declaring the inaction of the part of the respondents as illegal and ultra vires to the provision of

Article of the Constitution of India and also the mandatory provisions of the A.P. Education Act and the rules framed there under on the subject from time to time.

Counsel for the Petitioner: MR.V.S.R.ANJANEYALU

Counsel for the Respondents: GP FOR SCHOOL EDUCATION

The Court made the following:

THE HON'BLE MR JUSTICE B.PRAKASH RAO

WRIT PETITION NO.12534 of 2002

ORDER:

Heard Sri V.S.R.Anjaneyulu, the learned counsel appearing for the petitioner and the learned Government Pleader for School Education appearing for the respondents.

The petitioner, who was working as a Grade II Telugu Pundit in the second respondent's school, filed this Writ Petition, *inter alia*, seeking a writ of mandamus directing the respondents to implement the proceedings in Memo No.9512/Ser.VI-I/2002 dated 13.05.2002 and the consequential proceedings in Rc.No.1861/D3-4/2002 dated 29.05.2002 and 17.06.2002. This Writ Petition was filed on 11.07.2002.

The case of the petitioner is that he was appointed as Grade II Telugu Pundit in Bishop Gracy High School, Gunadala on 01.12.1978. Subsequently he was

transferred to Don Bosco High School, Nandigama on 27.06.1993. In this regard, he made a comprehensive representation for his transfer to Vijayawada on 17.06.2002 and the same is still pending. However, subsequent to filing of this Writ Petition, it was pointed out that the respondents have passed a fresh order dated 29.06.2002, where under the name of the petitioner was deleted from the order dated 13.05.2002 which the petitioner also wanted to be done.

The case of the petitioner is that absolutely he was not given any opportunity nor his case was considered in proper perspective. Further, it is also his case that his representation is still pending and order is yet to be passed, that too in a more laconic way.

The learned Government Pleader appearing on behalf of the respondents submitted that before passing the later order dated 29.06.2002, the petitioner was issued a show cause notice asking him to explain as to why the transfer order dated 13.05.2002 issued earlier should not be cancelled and his name be deleted. In spite of the same, the petitioner did not file any explanation and therefore, the matter is still pending for consideration.

Having heard the submissions made on both sides and on perusal of the material available on record, it is not necessary to go into the merits of the case or objections as averred on both sides. It is suffice to note that the order dated 13.05.2002 was

revoked by the subsequent order dated 29.06.2002 by not taking into consideration the representation filed by the petitioner. Further, having regard to the admitted fact that the respondents have already issued a show cause notice, to which the petitioner is yet to give explanation, it would be suffice in the interest of justice to permit the petitioner to file a comprehensive representation afresh in continuation to the earlier representation dated 17.06.2002, on receipt of which the respondents shall consider the same and pass orders on merits in accordance with law. The petitioner shall file his representation within a period of three weeks from today and the respondents shall dispose of the same within a period of four weeks thereafter.

With the above directions, the Writ Petition is disposed of.

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(B.PRAKASH RAO, J)

22nd March 2005

Note: CC by one week

B/O

RRB/Chvn

ASSISTANT REGISTRAR

//True Copy//

SECTION OFFICER

Copy To:

1. The District Educational Officer, Krishna District, Machilipatnam.
2. The Correspondent, Don Bosco (Boys) High School, Nandigama, Krishna District.
3. The Secretary, Government of A.P., Education (SER-IV.1), Secretariat Buildings, Hyderabad.
4. Two CCs to G.P. for School Education, High Court Buildings, Hyderabad (OUT).
5. Two CD copies.